

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

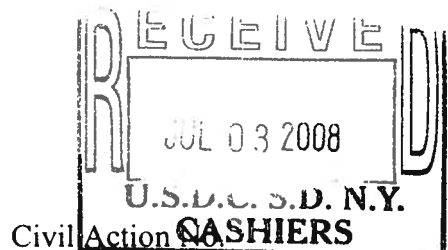
**JUDGE LYNN**  
HSH NORDBANK AG NEW YORK  
BRANCH, as Administrative Agent for  
Itself and Certain Lenders

Plaintiff,

v.

MICHAEL SWERDLOW, BRIAN  
STREET, and JAMES COHEN,

Defendants.



**RULE 7.1 STATEMENT FOR**  
**PLAINTIFF HSH NORDBANK AG**  
**NEW YORK BRANCH**

Pursuant to Rule 7.1 of The Federal Rules of Civil Procedure, and to enable Judges and Magistrate Judges of this Court to evaluate possible disqualification or recusal, the undersigned counsel for Plaintiff HSH NORDBANK AG NEW YORK BRANCH certifies that it has no parent corporation and that no public company owns more than 10% of HSH NORDBANK AG NEW YORK's stock.

Dated: New York, New York  
July 3, 2008

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